

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

In re:

1121 PIER VILLAGE LLC, *et al.*

Debtors.

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1121 PIER VILLAGE LLC, *et al.*,

Plaintiffs,

vs.

SHARESTATES INTERCAP LINE, LLC, *et al.*,

Defendants.

Chapter 11

Lead Case 21-11466 (ELF)

(Joint Administration Requested)

Adversary No. 21-00044-elf

**LIMITED RESPONSE OF ATLANTIS NATIONAL SERVICES INC, RAYMOND  
DAVOODI, AND RADNI DAVOODI TO FIRST AMENDED COMPLAINT**

AND NOW comes Atlantis National Services Inc., Raymond Davoodi, and Radni Davoodi by and through counsel, Pietragallo Gordon Alfano Bosick & Raspanti, LLP, and in accordance with the Order dated November 15, 2021 [ECF No. 27] submit this Limited Response stating as follows.

**RESPONSE OF ATLANTIS NATIONAL SERVICES**

On October 18, 2021, the Plaintiffs filed a Motion for Leave to File an Amended Complaint (“Motion to Amend”), attaching thereto a copy of a proposed amended complaint (“Amended Complaint”). The Amended Complaint eliminates Atlantis National Service (“Atlantis”) as a named defendant. The Amended Complaint removes Atlantis from the caption and asserts no causes of action against Atlantis.

On November 1, 2021, Sharestates Intercap Line, LLC, Sharestates Investments, LLC, Raymond Davoodi, Radni Davoodi and Allen Shayanfekr filed the Defendants' Objection to the Debtors' Motion for Leave to Amend Complaint. (the "Sharestates Objection") [ECF No. 26]. The Sharestates Objection, filed on behalf of all Defendants except Atlantis, claims that the Motion to Amend is futile given that it fails to state a claim for relief. On November 2, 2021 the court granted the Motion to Amend while simultaneously deeming the Sharestates Objection as Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b). [ECF No. 27] The Court, additionally, provided Atlantis until November 15, 2021 to respond to the Amended Complaint. [ECF No. 27]

As Atlantis is no longer a defendant under the operative Amended Complaint, it takes no position regarding the claims asserted therein. In accordance with Plaintiffs' withdrawal of all claims against Atlantis in the Amended Complaint, Atlantis respectfully requests that Court enter an order formally dismissing Atlantis from the case.

RESPONSE OF RAYMOND DAVOODI, AND RADNI DAVOODI AS PRINCIPALS OF ATLANTIS

While the Amended Complaint removed all claims against Atlantis, it continues to assert a cause of action against the Davoodis, which, in part, appear to be in connection with their roles as Atlantis officers and/or principals. *See* Amended Complaint ¶¶ 218-219. To the extent that the claims alleged against the Davoodis relate to their role(s) at Atlantis, the Davoodis join, and incorporate by reference, the previously filed Sharestates and Davoodis Objection [ECF No. 26].

A complaint must "plead with particularity the 'circumstances' of the alleged fraud in order to place the defendants on notice of the precise misconduct with which they are charged, and to safeguard against spurious charges of immoral and fraudulent behavior." Seville Indus. Machinery Corp. v. Southmost Machinery Corp., 742 F.2d 786, 791 (3d Cir. 1984). A complaint must plead

“the date, place or time of the fraud; in the alternative, a complaint may plead fraud by “injecting precision and some measure of substantiation into [the] allegations of fraud.” Lum v. Bank of Am., 361 F.3d 217, 224 (3d Cir. 2004) (citing Seville, 742 F.2d at 791). If a complaint fails to state with particularity the facts surrounding the alleged fraudulent statement, the court will dismiss those allegations. Plum Property Associates, Inc. v. Mineral Trading Company, LLC, W.D. Pa. 2009 WL 5206013 \* 4 (Dec. 23, 2009) (where the court dismissed plaintiff’s claim for fraud and misrepresentation because plaintiff failed to plead the specifics of the alleged “false statements”). The Court in Plum went on to note that “[e]ven if plaintiff’s allegations are accepted as true, there are no facts set forth in the Complaint which would support a claim for fraud and misrepresentation. Id. Accordingly, to the extent that the claims against the Davoodis relate to their role(s) at Atlantis, the Davoodis join, and incorporate by reference, the Sharestates and Davoodi Objection [ECF No. 26] seeking dismissal of the claim.

WHEREFORE Atlantis National Services Inc., Raymond Davoodi, and Radni Davoodi respectfully submit the above response seeking the relief requested herein.

Date: November 15, 2021

/s/ John W. Kettering  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the forgoing was serviced upon all registered users of the Court's CM/ECF system that have requested electronic notices in this case on November 15, 2021

Date: November 15, 2021

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